

Message

From: Cronin, Michael P (DEC) [michael.cronin@dec.ny.gov]
Sent: 8/18/2021 9:36:41 PM
To: LaVigna, Gaetano [LaVigna.Gaetano@epa.gov]; Buettner, Robert [Buettner.Robert@epa.gov]
CC: Cardile, Joseph [Cardile.Joseph@epa.gov]
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

Guy, I agree that if they actually exceeded the 12.5 tpy, then there is a violation. But that's different than how item 48 is written, which says that the facility doesn't maintain federally enforceable permit conditions which restrict VOC emissions. Regardless of what they thought they were capping for initially, the cap-by-rule would have only allowed 50% of the major source threshold for each pollutant, including VOC (at less than 12.5 tpy).

We'll talk more tomorrow. Thanks.
Mike

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Wednesday, August 18, 2021 4:32 PM
To: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

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Mike – since their actual emissions, based on our emission factors of tests with adequate capture, exceed 12.5 tons, they have violated the registration cap-by-rule provision. I believe that puts them in a very different situation since they weren't initially capping for VOC emissions from the shredder itself.

Gaetano La Vigna, Chief
Stationary Source Compliance Section
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290 Broadway, 21st Floor
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From: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>
Sent: Wednesday, August 18, 2021 4:18 PM
To: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

Not necessarily at this time. But, again, we have concern about item 48 and how it relates to our registration cap-by-rule provisions.

From: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>
Sent: Wednesday, August 18, 2021 4:16 PM
To: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>; Buettner, Robert <Buettner.Robert@epa.gov>
Cc: Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

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Mike – we weren't planning to. Do you feel that it is necessary?

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From: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>
Sent: Wednesday, August 18, 2021 4:04 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

Will you have counsel staff on tomorrow's call?

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Tuesday, August 17, 2021 2:40 PM
To: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>
Cc: LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>
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Let's discuss. Do you have time this week?

Robert Buettner
Chief, Air Compliance Branch

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From: Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>
Sent: Tuesday, August 17, 2021 12:45 PM
To: Buettner, Robert <Buettner.Robert@epa.gov>
Subject: RE: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

Robert, any chance we could see EPA's calculations that are referenced in items 45 & 46 of the EPA NOV?

Also, regarding item 48 of the NOV, we are still of the opinion that our Cap by Rule provisions in Part 201-4 meet the federally enforceability requirements. We used EPA policy guidance (1995-97) when we first developed the cap by rule provisions in old 201-7.3 back in the mid 1990s. This approach has not been raised as an issue for the past 20+ years.

Thanks.
Mike

Michael Cronin, PE
Director, Bureau of Stationary Sources
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518-402-8403

From: Buettner, Robert <Buettner.Robert@epa.gov>
Sent: Wednesday, August 11, 2021 7:25 PM
To: ChristianRosselli@brooklynresource.com
Cc: Prentice, Amanda <Prentice.Amanda@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Cardile, Joseph <Cardile.Joseph@epa.gov>; Cronin, Michael P (DEC) <michael.cronin@dec.ny.gov>
Subject: Brooklyn Resource Recovery Inc. NOV CAA-02-2021-1308_signed.pdf

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Please find subject attached.

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